IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 4021 of 1995

Between:
Kothapalli Pulla Rao, S/o.Suranna,
R/o.Chintagunta Village Cherla Mandal,
Khammam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Cherla Mandal, Khammam District.
2 The Sub-Collector/Agency,
Bhadrachalam, Khammam District.
3 Mr.Kommineni Prasadarao, S/o.Venkatarao,
R/o.Mugallapalli Cherla Mandal,
Khammam District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus declaring the action of the respondent No.1 in issuing the impugned proceedings No.A/1610/94, dt.13/2/1995 as illegal, void and unconstitutional and consequently direct the respondents to refrain from in any manner interfering with the possession and enjoyment of the land in Sy.No.23/2 to an extent of Acs.3-03 cents of Chinthakunta Village, Cherla Mandal, Khammam District by the petitioner after declaring that the respondent no.1 has no power to adjudicate any dispute between the petitioner and respondent No.3 in the light of the orders already passed by the respondent No.2 in his case no.B/947/87, dt.30/10/87, r/w.the orders of the Hon'ble Court in WP No.6502/81, dt.16/12/1986.

Counsel for the Petitioner:MR.M.R.K.CHOWDARY

Counsel for the Respondents 1 & 2.: GP FOR REVENUE

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORDER:

Heard both sides.

The petitioner herein files this writ petition, *inter alia,* seeking for a writ of Mandamus challenging the impugned proceedings dated 13.02.1995 issued by the first respondent herein whereunder he sought for possession of the land in question.

However, during the course of arguments, it is now pointed out that the said proceedings of the first respondent dated 13.02.1995 are only in pursuance of the substantive orders passed by the second respondent on 30.10.1987 in File No.B/947/878 NO.6562/81.

Having regard to the fact that the petitioner did not make any challenge to the substantive order, consequential order cannot be assailed. Further, it is also to be noticed that as against the substantive order dated 30.11.1987 of the second respondent, the petitioner has got right of appeal under Rule 8 of the Land Transfer Rules Regulation to the Agent.

The writ petition is, accordingly, dismissed as not maintainable with liberty to the petitioner to avail the said remedy of appeal and on receipt of which the appellate authority shall dispose of the same after giving notice and opportunity to both the parties. No costs.

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B. PRAKASH RAO, J

17th February 2005.
Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Mandal Revenue Officer,
Cherla Mandal, Khammam District.
2 The Sub-Collector/Agency,
Bhadrachalam, Khammam District.
3 Two C.Cs. to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).
4 Two C.D. copies.